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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,685	01/11/2002	Peter Ar-Fu Lam	B7HTAG	9707
7590	02/15/2006		EXAMINER	
Peter Ar-Fu Lam 20104 Wayne Ave. Torrance, CA 90503			FIDEI, DAVID	
			ART UNIT	PAPER NUMBER
			3728	
DATE MAILED: 02/15/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/044,685	Applicant(s) LAM, PETER AR-FU	
	Examiner David T. Fidei	Art Unit 3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6,8-21 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6,8,10-21 and 28 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 6, 14, 17-21 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Rahmey (Patent no. 6,209,763). A package is disclosed in figures 4 and 5 where a garment hanger 40 is provided with a display tag 60 and at least two separate fasteners 76, 68 for securing the display tag behind the garment hanger and for providing substantial front view of the hanger in figure 5. The same can be said of hanger 20 also.

As to claims 14 and 17, the fastener comprises a flat that attaches at least two points of the garment hanger to the tag in as much as is claimed.

As to claims 18-21, a folded flap is defined at 70 that has opening 72. As to claim 20, dictionary.com defines a slit as “a long, straight, narrow cut or opening” which is sufficiently anticipated by the disclosure of Rahmey.

As to claim 28, two holes are positioned behind tabs 80 in figure 4 of Rahmey.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 12 and 14-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear how fasteners attach two points of the garment

hanger through the use of tape or a flap folded from the display tag. It should also be pointed out where (line and page) the specification provides this disclosure in response to this deficiency.

As to claim 12, it is unclear what such means are. In claim 13 it is unclear how a flap attaches two points

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rahmey (Patent no. 6,209,763). As to claim 8, Official Notice is taken that the type of hangers claimed are known to those skilled in this art. It would have been obvious to one of ordinary skill in the art to a movable arm type of hanger in the package of Rahmey for the reason that the particular type of hanger employed is of no criticality and one skilled in the art would have found obvious to use any conventional type of hanger. The attachment of Rahmey figure 5 manifestly does not interfere with positing of the hanger arms.

7. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Markman (Patent no. 5,962,834). A garment hanger 10 is provided for inventory tracking and management of dry cleaning were a tag 10 is provided with a display area 12 extending along the extension arms of the hanger. The difference between the claimed subject matter and Markman resides in a first garment hanger positioned above the hanger shown in Markmen. Since, the device is used in an inventory system it is submitted it is well know in the dry cleaning business to arrange hangers in front of one another. To provide such an arrangement in Markman would have been

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within the level of ordinary skill and obvious for the reason of arranging multiple garments. As to claim 12, opening 16 is considered a fastening means to the extent claimed and disclosed.¹

8. Claim 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 14 above, and further in view of Johansson (Patent no. 4,137,661). Col. 1, lines 49-52 teaches the use of tape to attach a label. To employ tape as a fastener would have been a notoriously well known means for securing the hangers.

Employing transparent or colored tape would have been an obvious matter of design choice.

Allowable Subject Matter

9. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

This action is NON-FINAL.

¹ In determining anticipation as established above, the examiner finds that the prior art element performs the function specified in the claim, and is not excluded by any definition provided in the specification for an equivalent. Therefore, it is inferred from that finding that the prior art element is an equivalent, and the claimed limitation is anticipated by the prior art element. As such, the burden shifts to applicant to show that any aforementioned equivalent element shown in the prior art is not an equivalent of the structure, material or acts disclosed in the application. *In re Mulder*, 716 F.2d 1542, 219 USPQ 189 (Fed. Cir. 1983).


If the applicant disagrees with the inference of equivalence drawn from a prior art reference, the applicant may provide reasons why the applicant believes the prior art element should not be considered an equivalent to the specific structure, material or acts disclosed in the specification. Such reasons may include, but are not limited to: 1) teachings in the specification that particular prior art is not equivalent, 2) teachings in the prior art reference itself that may tend to show non-equivalence, or 3) Rule 132 affidavit evidence of facts tending to show non-equivalence.

Moreover, if an applicant argues that the "means" or "step" plus function language in a claim is limited to certain specific structural or additional functional characteristics (as opposed to "equivalents" thereof) where the specification does not describe the invention as being only those specific characteristics, the claim should be not allowed until the claim is amended to recite those specific structural or additional functional characteristics (emphasis added). See 1162 OG 61, May 17, 1994.

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10. Any inquiry concerning this communication or earlier communications from the Examiner concerning the merits of the claims should be directed to David T. Fidei whose telephone number is (571) 272-4553. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David T. Fidei
Primary Examiner
Art Unit 3728

dtf
February 9, 2006